IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 295 OF 2003

The State of Maharashtra ..... Appellant

Versus

Mohanlal G. Jain & Others ..... Respondents

Mr. S.V.More, APP for the Appellant.

None for the Respondents.

CORAM : A.S. OKA, J.

DATE : 8TH DECEMBER 2006

P.C.

1) Heard learned APP in support of prayer for grant of leave to prefer an appeal. The aquittal of the Respondents is for the offences punishable under Sections 498-A, 406 read with 34 of the Indian Penal Code. It seems to be an admitted position that the complainant-wife left the matrimonial home on 11th January 2000. On 6th April 2000, the complainant made an attempt to visit her matrimonial home along with other persons belonging to her community. The allegation of the complanant is that on that day, all of them were driven away by the accused. F.I.R. was

lodged on 19th April 2000 alleging ill treatment from 2nd December 1999 onwards. Even before complainant could lodge F.I.R., a report was lodged by the 1st Respondent against complainant and her brother. The learned Trial Judge found that there was a gross un-explained delay in lodging the complaint and there was no explanation forthcoming from the complainant about the said delay. It is obvious that the view taken by the learned Judge is a possible view which would have been taken on the basis of record. No case is made out for grant of leave. Appeal is dismissed.

(A.S. OKA, J.)